

**CITY OF WEST ALLIS
ORDINANCE O-2024-0018**

**ORDINANCE TO REQUIRE LEAD SERVICE LINE REPLACEMENT AND
AUTHORIZE FINANCIAL ASSISTANCE TO PROPERTY OWNERS**

CREATING SECTION 15.034

WHEREAS, Wis. Stat. 62.11(5) says the council shall have power to act for the health, safety, and welfare of the public and lead service lines have the potential to leach lead into drinking water, causing elevated lead levels in drinking water which have been determined to cause health problems in young children, pregnant women and their unborn children, and adults; and

WHEREAS, Wis. Stat. 66.0627(8)(ag) says the City may make a loan, or enter into an agreement regarding loan repayments to a 3rd party for owner-arranged financing, to an owner of a premises for the purpose of replacing customer-side water service lines containing lead, but only if the City requires each owner of a premises that is serviced by a customer-side water service line containing lead to replace that customer-side water service line; and

WHEREAS, Wis. Stat. 196.372(2) says the water utility may provide financial assistance to the owner of a property to which water utility service is provided for the purpose of assisting the owner in replacing customer-side water service lines containing lead if 1) the City requires each owner of a premises that is serviced by a customer-side water service line containing lead to replace that customer-side water service line, 2) any lead-containing portion of the utility-side water service line or water main pipe is replaced at the same time as the customer-side water service line is replaced, and 3) the public service commission has approved under Wis. Stat. 196.372(3);

NOW THEREFORE, the common council of the City of West Allis do ordain as follows:

SECTION 1: **AMENDMENT** “15.04 Laterals And Service Pipes” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

15.~~04~~032 Laterals And Service Pipes

SECTION 2: **ADOPTION** “15.034 Lead Service Line Replacement” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

15.034 Lead Service Line Replacement(Added)

1. Replacement Required. The owner of a property located in the city that is serviced by a customer-side water service line containing lead shall, within 45 days after receiving notice, replace that customer-side water service line with a service line that does not contain lead if all the following conditions are met:
 - a. The water utility is able to provide financial assistance to the owner of the property for the purpose of assisting the owner in replacing that customer-side water service lines.
 - b. The utility-side water service line and the water main pipe that are connected to the customer-side water service line does not contain lead or will be replaced at the same time as the customer-side water service line is replaced
 - c. The public service commission has approved the financial assistance under Wis. Stat. 196..372(3).

2. Financial Assistance

- a. Subject to availability of funds, the City may offer financial assistance up to the actual cost of replacing customer-side water service lines containing lead in the form of a grant, loan, or agreement regarding loan repayments to a 3rd party for owner-arranged financing.
- b. A property owner seeking financial assistance under the subsection shall submit a completed application in a form approved by the water utility. A property owner is eligible for financial assistance only if that person agrees to have the work done by a pre-qualified plumbing contractor or consents to have a City of West Allis municipal plumbing contractor enter the property to perform the work.
- c. At the request of the property owner, any financial assistance payment may be made to the plumbing contractor that performed the work in lieu of the property owner.
- d. Financial assistance shall be prioritized based the list below, from highest priority to lowest:

<u>1</u>	<u>For properties with licensed childcare facilities and schools.</u>
<u>2</u>	<u>For properties with failed or leaking customer-side or utility-side service lines.</u>
<u>3</u>	<u>For properties where the City has determined both that a resident residing there had been diagnosed with a high lead level and that a customer-side lead service line had been a potential contributing factor.</u>
<u>4</u>	<u>For properties where the utility is replacing the utility-side service line, on either a scheduled or emergency basis.</u>
<u>5</u>	<u>For properties where the utility-side service line is not a lead service line.</u>
<u>6</u>	<u>For all remaining properties with customer-side lead service lines.</u>

3. Collection. The City may collect the amounts due under any loan or agreement as authorized in Wis. Stat. 66.0627(8).
4. Noncompliance. If any person fails to provide a copy of a contract with a plumber or elect to use a city contractor within 30 days after notice to comply with this section or fails to replace a customer-side water service line that contains lead within 45 days after receiving notice, the City may perform the work necessary for the property to comply, and the expense thereof shall be assessed as a special tax against the property. The City may grant a request for an extension if doing so is reasonable and does not delay planned work within the right-of-way adjacent to the property requesting an extension. If the owner or occupant of the property refuses to allow access to the property, the City may request and obtain a special inspection warrant that authorizes City employees or agents to enter the property to perform the work necessary. If, within 30 days after the completion of the work, the property owner files with the clerk a written request stating that he or she cannot pay the amount in one sum and asks that it be levied in annual installments, the amount shall be collected in 5 equal annual installments, with interest at a rate not to exceed 15 percent per year from the completion of the work. The unpaid balance during the installment period shall be a special tax lien.

Wis. Stat. 62.11(5), 66.0627(8)(ag), 196.372

SECTION 3: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: EFFECTIVE DATE This Ordinance shall be in full force and effect on and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL MAY 21, 2024.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Ray Turner	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Kimberlee Grob	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Chad Halvorsen	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Marissa Nowling	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Suzzette Grisham	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Danna Kuehn	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Dan Roadt	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Patty Novak	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Kevin Haass	<u> </u>	<u> </u>	<u>X</u>	<u> </u>
Ald. Marty Weigel	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

Attest

Presiding Officer

Rebecca Grill, City Clerk, City Of West Allis

Dan Devine, Mayor, City Of West Allis

